



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Numbers: 2308106
Applicant Name: John Lemr
Address of Proposal: 6326 50th Avenue SW

SUMMARY OF PROPOSED ACTIONS

Master Use Permit for future construction of a 672 sq. ft. addition to an existing single family residence. Project includes future demolition of an existing attached garage and surface parking for one vehicle to be provided.

The following approval is required:

Variance – to allow an expansion of the principal structure into the required rear yard.
SMC Section [23.44.014 B](#)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non exempt grading or demolition
or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The property is located in the West Seattle neighborhood on 50th Avenue SW between SW Morgan Street and SW Graham Street. The surrounding neighborhood is comprised primarily of single-family residences. Immediately to the east, south, north and west are single family

homes. This project is also located approximately three blocks east of the shoreline. The site is relatively flat and is not located in a mapped Environmental Critical Area (ECA).

The site measures 3,750 square feet and is currently developed with a single family home. The property is zoned Single Family residential with a minimum lot area of 5000 square feet (SF5000). To the west of 50th Avenue SW are lots zoned Single Family 7200 (SF 7200).

50th Avenue SW is a paved residential street with curbs, gutters and sidewalks.

Proposal

The project proposal involves a one-story addition to an existing nonconforming single family residence in West Seattle. The addition calls for a structure that will contain approximately 672 sq. ft. of living space, and a new lot coverage total of approximately 1,309 sq. ft.

The existing structure is nonconforming to current front and side yard requirements. With this proposal, the applicant would like to project 3'-6" into the 15'-0" required rear yard ([SMC 23.44.014 B](#)) to accommodate the one-story addition. The proposal will conform to all other requirements such as lot coverage, height, and side yards. The existing nonconforming garage is proposed to be demolished so that surface parking can be located in a conforming location.

Public Comment

DPD published public notice of the proposed development on January 1, 2004, and the associated public comment period ended on January 14, 2004. DPD received no comments.

ANALYSIS - VARIANCE

Variances may be authorized only when all of the variance criteria set forth at SMC Section [23.40.020](#) and quoted below are met.

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;*

The proposal site is approximately 50' x 75' equaling a total of 3,750 sq. ft. Given the size of the lot, the building footprint covers 837.2 sq. ft., when 1,750 sq. ft. of coverage is allowed. A total of 1,600 sq. ft. of principal building area is available onsite. Due to the year the home was constructed (1940); the structure is nonconforming to development standards with respect to the front yard and the side yards. There are approximately seven other lots in the area of a similar size that contain a single family residence.

The adjacent site to the east is almost identical in building location and lot size (3,750 sq. ft.). That site has a non-conforming side yard, but is maintaining the required 15'-0" rear yard.

The house's location on the site, which still allows for expansion within existing yard requirements, is not unusual so as to deprive the property of rights and privileges enjoyed by other properties. Although the subject site is small, it is not very different from other lots in the vicinity, which are subject to Code yard requirements that limit additions to homes on those lots. The subject site is relatively flat, and would not create an unusual condition for a one-story addition of approximately 672 sq. ft. in the principal building area.

With this in mind, the application of the rear yard requirements does not deprive the property of rights and privilege enjoyed by neighboring property owners.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

The requested variance would go beyond the minimum necessary to afford relief. An expansion in usable living space equal to the amount requested could be achieved within the principal building area without the requested variance and without constructing a second-story. The Code does not provide that variance relief can be granted on the basis of preferred design.

In addition, the applicant made reference to a variance which was granted for 2706C East Helen Street (#2103714). This variance was to allow a sunroom addition to an existing non-conforming single family residence in the required side and rear yard.

The above site is not located in the vicinity of the subject site. Also, the site had an unusual condition which created a stepped rear yard and limited further development. Furthermore, that site did not have any actual street frontage so that yard determinations (i.e. which lot line was the "front") were determined by identifying the least non-conforming yard determination for the development that was existing. This is contrary to the subject site whose front yard is determined by adjacent to the street.

With this in mind, the requested variance would constitute a grant of special privilege and goes beyond the minimum necessary to afford relief.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;*

The proposal would not likely be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity. Although the yard separating the subject site from the adjacent site to the east would be somewhat reduced potentially affecting the neighbor.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;*

The literal interpretation and strict application of the rear yard requirement would not prohibit an addition to the existing footprint without a variance. In addition, literal interpretation and strict application of the Land Use Code would not restrict a second-story addition to the structure. The existing structure is approximately 17'0" tall to the peak of the roof. The current Code allows a 35'-0" tall structure with a pitched roof.

The applicable requirement of the Land Use Code in this case, would not cause undue hardship or practical difficulties to the applicant if not granted.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The purpose of the Land Use Code is to protect and promote public health, safety and the general welfare through a set of regulations and procedures for the use of land. Procedures are established to increase citizen awareness of land use activities and their impacts and to coordinate necessary review processes. These provisions are designed to provide adequate light, air, access, and open space.

According to Seattle's Comprehensive Plan and the Land Use Code, single family structures in Single Family zones are permitted to remain, but not to expand so as to increase non-conformity, except as required by applicable laws. The proposed addition would create a new non-conformity in the rear yard, which is not allowed by Code. Furthermore, the square footage proposed could be accommodated within the principal building area on the site without impacting the adjacent property to the east.

This proposal will increase the non-conformity of the structure and thus will not be consistent with the spirit and purpose of the Land Use Code.

DECISION – VARIANCES

The proposed action is **DENIED.**

Signature: _____ (signature on file) Date: March 4, 2004
Bryan C. Stevens, Land Use Planner
Department of Planning and Development
Land Use Services

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